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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David Justin Ross

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EXAMINER

ZIA, SYED

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

12/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/003,719

Applicant(s)

ROSS, DAVID JUSTIN

Examiner

Syed Zia

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 and 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is in response to application filed on October 2, 2007. Original application contained Claims 1-5. Applicant previously amended Claim 1, and added new Claims 6-15. Applicant currently amended Claims 1, 4-6, cancelled Claim 7, and added new Claims 16-21. Therefore, Claims 1-6, and 8-21 are pending for further consideration.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 2, 2007 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-6, and 8-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Shapiro et al. (U. S. Patent 6,714,944).

1. Regarding Claim 1 Shapiro teach and describe an user authentication system (summary and Fig.1-9) comprising: a

an authentication client for requesting authentication of a subject; a user interface to receive the authentication request from the authentication client (col.6 line 20 to line 34);

multiple independently operated databases, each database storing information associated with the subject, the associated information being accessible through predefined queries

to identify the subject, the predefined queries defined in advance by agreement with owners of each of the multiple independently operated databases (Fig.1-3, col.6 line 20 to line 55, and col.4 line 54 to col.6 line 19);

and a verification engine for facilitating authentication of the subject by receiving the authentication request, selecting one or more of the predefined queries, presenting the one or more selected queries to the subject via the authenticating client, receiving from the subject an answer to each of the one or more selected queries, and presenting the answer to the multiple independently operated databases for a validation response (Fig.1-3, col.6 line 55 to col.7 line 3, and col.4 line 54 to col.6 line 19).

2. Regarding Claim 4 Shapiro teach and describe an authentication system (summary and Fig.1-9) comprising:

an authentication client for desiring authentication of an authentication subject (col.6 line 20 to line 34);

a plurality of independent database systems storing information identifying the authentication subject, the identifying information being accessible through predefined queries, the predefined queries defined in advance by agreement with the owners of each of the independent database systems (Fig.1-3, col.6 line 20 to line 55, and col.4 line 54 to col.6 line 19);

and a verification engine to receive from the authentication subject, via the authentication client, an answer to each of the predefined queries, to obtain from each of the plurality of

independent database systems a corresponding authentication confidence for each answer, and to combine the corresponding authentication confidence for each answer into a combined authentication confidence Fig.1-3, col.6 line 55 to col.7 line 3, and col.4 line 54 to col.6 line 19).

3. Regarding Claim 5 Shapiro teach and describe user authorization method (summary and Fig.1-9)) comprising the steps of:

presenting to an authentication subject one or more predefined queries from each of multiple independent databases of identifying information (col.6 line 20 to line 34); receiving from the authentication subject an answer to each of the selected queries, the predefined queries defined in advance by agreement with owners of each of multiple independent databases, the multiple independent databases storing identifying information about the authentication subject (Fig.1-3, col.6 line 20 to line 55, and col.4 line 54 to col.6 line 19);

presenting each answer to at least one of the multiple independent databases that has corresponding identifying information; obtaining from the multiple independent databases an authentication confidence level for each answer; and combining the authentication confidence level for each answer into a combined confidence level for authenticating the authentication subject (Fig.1-3, col.6 line 55 to col.7 line 3, and col.4 line 54 to col.6 line 19).

4. Regarding Claim 6 Shapiro teach and describe method of authenticating the putative identity of a subject who is an individual, the method (summary and Fig.1-9) comprising the steps of: negotiating a predetermined set of permitted types of queries with an owner of an independent remote, third-party database, the independent remote, third-party database including identifying information associated with the subject; providing a database interface for interacting with the independent, remote, third-party database without storing any significant portion of the third-party database locally, and wherein the interaction is limited to submitting a query among the predetermined set of permitted types of queries, and receiving from the third-party database a response to the permitted query; receiving identifying information associated with the subject to authenticate his identity, the received identifying information including at least one item of information sufficient to form one of the permitted types of queries; forming a permitted type of query based on the received identifying information; transmitting the formed query to the remote, third-party database; and receiving a response from the remote, third-party database wherein the database interface does not otherwise provide access to the remote, third-party database, so that privacy of the remote, third-party database content remains under control of its owner (Fig.1-3, col.6 line 20 to col.7 line 3, and col.4 line 54 to col.6 line 19).

4. Claims 2-3, and 8-15 are rejected applied as above rejecting Claims 1, and 4-6.
Furthermore, Shapiro teach and describe a system a method wherein:

As per Claim 2 the associated information in the multiple independently operated databases includes out-of-wallet data identifying the subject (col.6 line 20 to line 55).

As per Claim 3 further comprising a personal information database coupled to the verification engine, the personal information database containing in-wallet data identifying the subject (col.7 line 56 to col.8 line 40).

As per Claim 8, said receiving the identifying information associated with the subject transpires in a live interaction with the subject in person (col.9 line 41 to line 46).

As per Claim 9, receiving the identifying information associated with the subject is through a computer network (Fig.1-3, col.6 line 20 to line 34).

As per Claim 10, receiving the identifying information associated with the subject via the Internet (Fig.1-3, and col.3 line 26 to line 43, and col.6 line 20 to line 34).

As per Claim 11, the database interface enables interaction with multiple independent, remote, third-party databases without storing any significant portion of any of said databases locally, so that privacy of the remote, third-party database contents remain under control of their respective owners (col.7 line 36 to col.8 line 40, and col. 9 line 40 to col.10 line 65).

As per Claim 12, receiving responses from a plurality of the remote, third-party databases and assembling the responses from the multiple databases to form a result (col.12 line 14 to line 67).

As per Claim 13, the associated identifying information in the database includes out-of-wallet data associated with the subject (col.4 line 59 to col.6 line 19).

As per Claim 14, presenting a predetermined question to the subject; receiving an answer to the question; and forming the database query responsive to the answer received (col.7 line 16 to line 55).

As per Claim 15, forming a second question responsive to the response from the remote, third-party database; presenting the second question to the subject; and forming another database query responsive to the answer to the second question (col.7 line 56 to col.8 line 40).

As per Claim 16, the authentication client includes an electronic commerce site (col.4 line 59 to col.5 line 34).

As per Claim 17, the verification engine further facilitates authentication of the subject by: receiving the validation responses from each of the multiple independently operated databases, the validation responses including a match confidence; and determining an overall authentication confidence based on each of the received match confidences (col.6 line 20 to col.7 line 55).

As per Claim 18, the authentication client includes an electronic commerce site (col.4 line 59 to col.5 line 34).

As per Claim 19, the information identifying the authentication subject includes out-of-wallet data identifying the authentication subject (col.6 line 20 to line 55).

As per Claim 20, the one or more predefined queries are presented to the authentication subject via an authenticating client (col.6 line 20 to line 55).

As per Claim 21, the identifying information includes out-of-wallet data identifying the authentication subject (col.6 line 20 to line 55).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ
December 21, 2007


SYED A. ZIA 12/21/2007
PRIMARY EXAMINER